

**Freedom Court Reporting, Inc**

**1**

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 MARSHALL DIVISION

4

5 PATTY BEALL, MATTHEW MAXWELL,

6 TALINA MCELHANY AND KELLY

7 HAMPTON, individually and on

8 behalf of all other similarly

9 situated;

10 Plaintiffs,

11 vs. Civil Action

12 No. 2:08-CV-422 TJW

13 TYLER TECHNOLOGIES, INC.

14 AND EDP ENTERPRISES, INC.,

15 Defendants.

16 \_\_\_\_\_/

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19 The Deposition of LAURA MILBURN,

20 Taken at 400 Renaissance Center, Suite 2160,

21 Detroit, Michigan,

22 Commencing at 10:01 a.m.,

23 Wednesday, September 1, 2010,

24 Before Jacquelyn S. Fleck, CSR 1352, RPR, CRR, RMR,

25

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1 know when I was going to have it because I was moving.

2 Q. When did you first find out that Joy Flynn has -- had  
3 also opted into the lawsuit against Tyler?

4 A. Then, actually.

5 Q. Were you and Joy Flynn friends?

6 A. Yes.

7 Q. Did you meet Joy Flynn during your employment with  
8 Tyler Technologies?

9 A. We worked together.

10 Q. And which office of Tyler did you two work together?

11 A. Raleigh.

12 Q. Once your employment was terminated, was Ms. Flynn  
13 still employed --

14 A. No.

15 Q. -- by Tyler?

16 MS. BAGLEY: Let her finish.

17 A. I'm sorry. No.

18 BY MS. KHOSRAVI:

19 Q. Did Ms. Flynn leave Tyler before you left Tyler?

20 A. Correct.

21 Q. And since Ms. Flynn left Tyler, you and Ms. Flynn still  
22 kept in touch?

23 A. . Yes.

24 Q. Why do you say that with some hesitation?

25 A. Because we didn't have constant communication. I saw

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1 Q. Stop right there and tell me who the project manager's  
2 name was.

3 A. Her name was Patty.

4 Q. Do you have a last name for her?

5 A. Smithey.

6 Q. S M I T H --

7 A. -- E Y.

8 Q. And tell me when it was that you recall you complained  
9 to her about overtime pay.

10 A. I cannot tell you when I did it. I had just -- I  
11 recall that I talked to her about overtime.

12 Q. Let's try and see if we can reconstruct the time frame  
13 to see if your memory's going to be refreshed.

14 You were hired by Tyler Technologies around  
15 June 9, 2008; is that right?

16 A. Correct.

17 Q. And your employment ended on or about November 6, 2009;  
18 is that correct?

19 A. 2008, 2009. I was hired in June, yes. Correct.

20 Q. So your employment ended on November 6, 2009?

21 A. Correct.

22 Q. Now, during that time period -- think back to that time  
23 period from June 9, 2008 until November 6, 2009 -- was  
24 it closer to the beginning of your employment or closer  
25 to the end of your employment when you made a complaint

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1 A. I went there to train.

2 Q. You went there to train. But if they said, Oh, we need  
3 this information to present itself in a different way,  
4 then you would need to actually configure the system  
5 for them as to how to do that?

6 A. I would be with them while they called the call center.

7 Q. So you would not actually help them configure it?

8 A. In general, no.

9 Q. You said in general, no. Did you ever?

10 A. I probably did.

11 Q. But typically speaking, you actually refer them to the  
12 call center?

13 A. Customer service.

14 Q. Customer service.

15 Okay. So before you went out there to train  
16 them, you were starting to tell me what you would do in  
17 preparation for traveling to a client site to train  
18 them.

19 First of all, how would you know that you  
20 need to go to a client site to train? Who would tell  
21 you that information?

22 A. Penny or my project manager.

23 Q. They would tell you the date that you needed to be  
24 there; correct?

25 A. Correct.

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1           you know, not employee demographics or anything. It  
2           was just time.

3       Q.     So you were actually entering the data regarding how  
4           many hours their employees had worked into the new  
5           software?

6       A.     In St. Louis on one occasion, yes.

7       Q.     Did you ever sit down with any of your clients to  
8           discuss what their needs were with respect to the  
9           software in order to design the software?

10      A.     No. That was done through the project manager.

11      Q.     Did you ever sit down with a client to discuss  
12           configuring the software for the client?

13      A.     Project manager.

14      Q.     Project manager did that?

15      A.     Yes.

16      Q.     Yes. And you never had an occasion to do that;  
17           correct?

18      A.     I wasn't allowed, really, to do that.

19      Q.     Okay. So you never actually sat down with the  
20           project -- with the client to do configuration or  
21           discuss configuration, correct?

22      A.     Correct.

23      Q.     Did you ever sit down with the client and discuss  
24           business processes or do fit analyses?

25      A.     Done by the project manager.

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1 Q. So you never did?

2 A. No.

3 Q. So other than you converting some of the client's data  
4 from the old system to the new system, that's one, and  
5 then training the client's employees on how to use the  
6 new Tyler software, that's two, perform any other  
7 functions?

8 MS. BAGLEY: Form. Other than what she's  
9 already testified to?

10 BY MS. KHOSRAVI:

11 Q. Other than these two.

12 A. No. It all falls under the genre of training. And in  
13 the -- in the example of St. Louis, there was -- they  
14 had purchased data entry services.

15 Q. Tell me if I'm wrong. What I'm categorizing are  
16 functions. I'm categorizing it into two categories.  
17 One function you had at a client site was to train  
18 their employees actually in the classroom setting,  
19 teaching them how to use the software; is that correct?

20 A. That is correct.

21 Q. So that's one.

22 And then the other one I'm hearing is you  
23 actually inputting the data from their old system into  
24 their new system. That's the second one that you've  
25 testified to; correct?

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1 Tyler -- Tyler's clients' employees, you were entering  
2 codes during the training to show them how to generate  
3 a report, or am I wrong? If I'm wrong, tell me what  
4 that means.

5 A. In the specific case of entering a code of that nature,  
6 that would be a one-off event. It would be something  
7 that was uncovered. And typically one person at the  
8 client site would be responsible for doing that. You  
9 wouldn't train how to do that to everybody.

10 Q. Did you train one person on how to do that?

11 A. I would have referred them to call the customer  
12 support.

13 Q. And I'm sorry, what is that? You and I --

14 A. Anything to do with configuration.

15 Q. You did not do any configuration?

16 A. No.

17 Q. Did you actually set up the client's system when you  
18 got to a client's site?

19 A. No. You may have set up users.

20 Q. To be able to --

21 A. Or helped them set up users.

22 Q. To be able to use the Tyler software?

23 A. Correct.

24 Q. But with respect to, for example, uploading or  
25 downloading the software onto their machines, you did

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1 Thanksgiving holidays. Do you see that?

2 A. Correct.

3 Q. So is it correct that during that week you did not work  
4 anymore than 40 hours?

5 A. Correct.

6 Q. Turn to the expense report for the week of 12-21-2008.

7 A. All right.

8 Q. And that document reflects that you were on a holiday  
9 December 25th, and you took vacation for December 26th;  
10 correct?

11 A. Correct.

12 Q. And it's correct that you did not work more than 40  
13 hours during that week?

14 A. Correct.

15 Q. And turn to the next page for December 28, 2008. Looks  
16 like in that week you took two sick days off and the  
17 rest of the time you spent at the Raleigh office;  
18 correct?

19 A. Correct.

20 Q. So is it accurate that you did not work anymore than 40  
21 hours during that week?

22 A. Correct.

23 Q. When you were spending all this time in the office and  
24 not traveling to the client site, did you ever talk to  
25 anyone and say, Why are you not sending me to a client



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1 site to train on-site?

2 A. My project manager.

3 Q. I'm sorry, the question was, did you complain to  
4 anybody about that or did you talk to anybody? You  
5 did, yes?

6 A. Yes.

7 Q. And who was that?

8 A. My project manager.

9 Q. Which one?

10 A. Patty Smithey.

11 Q. Patty Smithey.

12 What was her response when you said why are  
13 you not sending me to client sites?

14 A. There wasn't -- there wasn't enough work to -- to keep  
15 all the implementation consultants meeting their quota.  
16 There just wasn't the work.

17 Q. Is that what Patty told you?

18 A. I don't remember specifically what Patty told me, but  
19 if there was work, she would give it to us. She had  
20 a -- she had a quota as well, though, and she did a lot  
21 of stuff on her own.

22 Q. When you say she would have given it to us, I'm only  
23 concerned about you --

24 A. Correct.

25 Q. -- right now at this deposition.

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1 When you asked her, why are you not sending  
2 me to a client site, do you remember what her response  
3 was?

4 A. There was no work.

5 Q. She actually said that to you, that there was no work?

6 A. Correct.

7 Q. Because previously you told me I don't know. But you  
8 are sure that Patty Smithey actually told you, I'm not  
9 sending you to a client site because there is not  
10 enough work?

11 A. There's no work. I -- you know, that's why I wasn't  
12 traveling.

13 Q. No. Okay. Listen to my question. Did Patty Smithey  
14 actually tell you, You are not traveling and you are  
15 spending a lot of time at the office because there is  
16 not enough work?

17 A. I can't say that she definitively said that.

18 Q. So what are you basing your statement -- you're saying  
19 that, so what are you basing that on? Is that  
20 speculation?

21 A. There --

22 MS. BAGLEY: Form.

23 A. There wasn't a lot of work.

24 BY MS. KHOSRAVI:

25 Q. How do you know that?

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1 A. There weren't a lot of -- because sales was in the same  
2 building, and we were always notified when a new client  
3 came on.

4 Q. Okay. I understand.

5 A. And the economy -- when I left, there had been -- it  
6 had slowed down tremendously.

7 Q. Okay.

8 A. There just was not a lot of clients going live with the  
9 system.

10 Q. So not so many clients were going live, therefore you  
11 weren't traveling and you were spending a lot of time  
12 at the office; correct?

13 A. Correct. If I wasn't on a client site, I was in the  
14 office.

15 Q. Why, then, you were complaining so much about all the  
16 hours that you had to travel? Remember that was one of  
17 the complaints that you told me you were making.

18 MS. BAGLEY: Form. Farin, you're being  
19 argumentative. The documents speak for themselves.

20 BY MS. KHOSRAVI:

21 Q. You told me in the deposition -- in the very beginning  
22 I said, Have you complained to anyone while you were  
23 employed at Tyler? You said, Yes. You made complaints  
24 to Joy Flynn, you made complaints to Lisa Seymour, you  
25 made complaints to Penny Parsons, you made complaints